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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/462,761	01/12/2000	RISTO MAKIPAA	99.922	5482
7590	07/12/2005		EXAMINER	
MCDONNELL BOEHNEN HULBERT & BERGHOFF 300 SOUTH WACKER DRIVE CHICAGO, IL 60606			CHO, HONG SOL	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/462,761	MAKIPAA, RISTO
	Examiner Hong Cho	Art Unit 2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 6/1/2005.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 26-40 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 26-40 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Response to Amendment*

1. This office action is a response to the RCE filed on 6/1/2005. Claims 1-25 were cancelled. Claims 26-40 are pending in the instant application.

### *Claim Objections*

2. Claim 28 is objected to because of the following informality:

Re claim 28, it is dependent on the cancelled claim 25.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 26-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman et al (U.S 5844620), hereinafter referred to as Coleman in view of Chaney et al (U.S 5867207), hereinafter referred to as Chaney.

Re claims 26, 39 and 40, Coleman discloses a method for providing a customer with service information via a terminal connected to a telecommunication network

(abstract), the method comprising: multiplexing a plurality of service data in a frame format for service transmission (Fig. 1, col. 5, lns. 60-col. 6, lns. 16), whereby Interactive Program Guide (IPG) of the services are located in at least one frame of the multiplexed frames (*IPG packet is multiplexed with the data packets for the different services*, col. 5, lns. 65-col. 6, lns. 7); forming selection data for the selection of the service on the basis of the IPG packet data located in the service multiplex (*IPG packet provides a user with the selection menu such as scheduling, titles, and time of event of programs*, col. 6, lns. 18-48); and transmitting the selection data based on the IPG packet data separately (*IPG packets are transmitted in separate time slots and a customer receives a IPG packet data before the actual service data*, col. 22, lns 37-40) without the actual service data of the service multiplex (*the actual service data will be available once a customer pushes a select or view button from the selection menu*, col. 23, lns 17-19), to the customer terminal for displaying the selection data (*the IPG packet data is multiplexed separately from the various service packets provided*, Fig. 1, col. 5, lns. 60-col. 6, lns. 16). Coleman fails to disclose identifying the selected service on the basis of identification and control data associated with the selected service and transmitted in multiplexed frames and providing the customer with the identified service from the service multiplex in response to the user selecting a service displayed on a display unit. Chaney discloses a digital video system receiving a digital bitstream representing video and audio information and containing a plurality of packetized data programs in a data format and includes data units related to the selection of individual programs and individual packetized data streams associated with a program (abstract) and providing services of multiple television

programs based on a control signal generated in response to user-entered data (column 2, lines 49-64). It would have been further obvious to one having ordinary skill in the art at the time the invention was made to modify the format of IPG packets of Coleman to include SCID in a packetized digital data multiplex of Chaney to provide a comprehensive and logical organization for transmission of multiple television programs in digital form useful in both satellite and terrestrial broadcasting.

Re claim 27, Coleman discloses transmitting the selection data to the customer terminal via a different network than the service multiplex is transmitted. The various services arrive from different networks (Fig. 1, '10' and '12').

Re claim 28, Coleman discloses creating a service directory from said IPG packet data, which service directory comprises the selection data and presents the services on a display unit (col. 6, lns. 18-29).

Re claim 29, Coleman discloses compiling a separate service directory on the basis of said identification and control data and transmitting said service directory to the display unit in response to said display unit connecting to a telecommunication network (col. 6, lns. 30-48).

Re claim 30, Coleman discloses compiling service directory from the identification and control data of several multiplexed frames comprising a plurality of services (col. 6, lns. 18-48).

Re claim 31, Coleman discloses compiling service directory from the identification and control data of several multiplexed frames comprising a plurality of

services (the system periodically receives updates of the IPG packets to update the directory, col. 14, lns. 23-45).

Re claim 32, Coleman discloses updating service directory continuously to servers operating in the telecommunication network in accordance with the predetermined multiplexed services and transmitting said directory service to the display unit in response to said display unit establishing a connecting to said telecommunication network (col. 14, lns. 23-45).

Re claim 33, Coleman discloses comprising in response to the user selecting a service displayed on the display unit determining the telecommunication network, which is the most suitable for delivering the service (determine which of service packets 1-N delivering various services the system should select) and delivering the service selected by the user from the transmitting address to the receiver via said determined telecommunication network (Fig. 1, col. 5, lns. 60-col. 6, lns. 16).

Re claim 34, Coleman discloses routing the selected service from the transmitting address to the receiver automatically on the basis of said identification and control data of the multiplexed frame (Fig. 1 and Fig. 2, the services are routed across the communications network to the receiver).

Re claim 35, Coleman discloses a terminal of a telecommunication network, which is arranged to receive selection data regarding a plurality of service data of a service provider for selecting a service to be transmitted to said terminal in a multiplexed form and display the selection data of the service (col. 19, lns. 57-col. 20 lns. 4), which selection data is formed from the IPG packet located in the multiplexed service data

frames (*IPG packet is multiplexed with the data packets for the different services*, col. 6, lns. 5-7), and which selection data has been transmitted separately (*a customer receives a IPG packet data before the actual service data*, col. 22, lns 37-40), without the actual service data of the service multiplex (*the actual service data will be available once a customer pushes a select or view button from the selection menu*, col. 23, lns 17-19),

Re claim 36, Coleman discloses a terminal arranged to receive the selection data via a different network than the service multiplex is transmitted (Fig. 1, the IPG packets and services are received from different networks).

Re claim 37, Coleman discloses a terminal arranged to receive the service directory comprising the selection data and formed from the identification and control data (Fig. 1, col. 6, lns. 18-30).

Re claim 38, Coleman discloses a terminal, wherein the terminal is a television or a computer (col. 6, lns. 18-20).

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 26-40 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - US Patent (6147714) to Terasawa et al

- US Patent (6522342) to Gagnon et al
- US Patent (6732370) to Gordon et al.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Cho whose telephone number is 571-272-3087. The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3088.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hc

Hong Cho  
Patent Examiner  
6/30/2005



JOHN PEZZLO  
PRIMARY EXAMINER